

Chief Magistrate Judge David W. Christel

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
KORY GENE GREENWOOD,
Defendant.

NO. 3:23-mj-05178

**COMPLAINT FOR VIOLATIONS
18 U.S.C. § 922(g)(1)
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)**

BEFORE, David W. Christel, United States Magistrate Judge, U.S. Courthouse,
Tacoma, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Unlawful Possession of a Firearm)

On or about June 7, 2022, in Pierce County, within the Western District of Washington, KORY GENE GREENWOOD, knowing he had been convicted of the following crime punishable by a term of imprisonment exceeding one year:

1 i. *Unlawful Possession of a Controlled Substance with Intent to*
2 *Deliver (Heroin)*, in Pierce County Superior Court, under case
3 number 16-1-03128-7, on or about July 12, 2017,
4 did knowingly possess, and did aid and abet the possession of, in and affecting interstate
5 and foreign commerce, a firearm, to wit: an FN Manufacturing FNX-45 .45 caliber pistol,
6 that had been shipped and transported in interstate and foreign commerce.

7 All in violation of Title 18, United States Code, Section 922(g)(1).

8 **COUNT 2**

9 **(Unlawful Possession of Ammunition)**

10 On or about June 7, 2022, in Pierce County, within the Western District of
11 Washington, KORY GENE GREENWOOD, knowing he had been convicted of the
12 following crime punishable by a term of imprisonment exceeding one year:

13 i. *Unlawful Possession of a Controlled Substance with Intent to*
14 *Deliver (Heroin)*, in Pierce County Superior Court, under case
15 number 16-1-03128-7, on or about July 12, 2017,
16 did knowingly possess, and did aid and abet the possession of, in and affecting interstate
17 and foreign commerce, ammunition that had been shipped and transported in interstate
18 and foreign commerce.

19 All in violation of Title 18, United States Code, Section 922(g)(1)

20 **COUNT 3**

21 **(Possession of Controlled Substance with Intent to Distribute)**

22 On or about June 7, 2022, in Pierce County, within the Western District of
23 Washington, KORY GENE GREENWOOD, did knowingly and intentionally possess,
24 with the intent to distribute, a controlled substance, including: N-phenyl-N-[1-(2-
25 phenylethyl)-4-piperidinyl] propanamide (Fentanyl), a substance controlled under Title
26 21, United States Code.

27 All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

And the complainant states that this Complaint is based on the following information.

I, Brian Arnold, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF),
being first duly sworn on oath, depose and say:

INTRODUCTION

6 1. The information in this affidavit is provided for the limited purpose of
7 establishing probable cause and is not a complete statement of all the facts related to this
8 case. I have reviewed the facts of the case in this investigation; however, the investigation
9 is still ongoing. Based on this, I am familiar with the facts and circumstances of this
10 investigation.

SUMMARY OF INVESTIGATION

2. On June 7, 2022, Washington Department of Corrections (DOC) Community Corrections Officers (CCO) went to 10020 South Alaska Street, Unit A, Tacoma, WA 98444 to apprehend KORY GENE GREENWOOD on an outstanding DOC arrest warrant. They had received an anonymous tip that GREENWOOD was again residing at that address; CCOs had previously apprehended GREENWOOD there on March 10, 2022. The CCOs contacted the landlord and verified GREENWOOD had been living at the residence for approximately two months. Additionally, on June 1, 2022, CCOs had seen a dark blue BMW, Washington license number BXT9033, parked out front. GREENWOOD had previously stated, during the March 10 arrest referenced above, that this was his vehicle.

3. On June 7, 2022, as the CCOs arrived, one officer notified the others that a vehicle had just arrived. The passenger, a white male, had entered the apartment, while the driver was still in the vehicle watching the arrest team. CCOs contacted the driver and identified him as D.F. (whose name is known to me but not included in this affidavit). D.F. said that he had just dropped off his brother, “Joseph,” and was waiting for him.

1 CCOs went to the front door. After knocking, announcing, and identifying themselves,
 2 A.O. (whose name is known to me but not included in this affidavit) opened the door.
 3 CCOs directed A.O. to stand in the parking lot of the complex away from the front door.
 4 Joseph S., then GREENWOOD, also exited. CCOs detained both men in the back of a
 5 DOC vehicle. Once all three subjects had exited the apartment, the CCOs entered to
 6 ensure there were no other occupants. During this process they observed military body
 7 armor in the hallway and upon examination determined it contained Kevlar panels along
 8 with a ceramic plate. Because possession of body armor is a violation of
 9 GREENWOOD's DOC supervision, the CCOs had reasonable suspicion there may be
 10 further violations present in the apartment and conducted a search of the residence.
 11 CCOs determined Joseph S. was also on DOC supervision and had a felony DOC
 12 warrant. Officers told D.F. his brother (Joseph S.) would be booked into jail and that D.F.
 13 was free to leave (which he did).

14 4. During the search of GREENWOOD's apartment, CCOs found a blue
 15 backpack on a shelf in the only bedroom. Inside the backpack, CCOs found a variety of
 16 ammunition, three digital scales, and a small plastic bag containing multiple small 1" x 1"
 17 type plastic baggies. Based on their experience and training, CCOs know this
 18 combination of items (i.e., the scale and baggies) is commonly seen with individuals who
 19 are involved in distribution of controlled substances. CCOs also found a red backpack in
 20 the kitchen area. Inside the red backpack, they found:

- 21 • A red and yellow rubber container with a large quantity of small blue pills
 marked "M" on one side and "30" on the other. This is consistent with pills
 containing fentanyl and so, due to the danger associated with fentanyl, the
 CCOs sealed the container and did not test the pills.
- 22 • A loaded (10 rounds) FN FNX-45 Tactical semi-automatic .45 caliber
 pistol (SN: FX3U074804). There was no round chambered.
- 23 • Multiple loose rounds of ammunition.

- 1 • A digital scale.

2 5. Located in the same area next to the red backpack was an AR style PMAG
 3 30-round magazine loaded with 20 live rounds of .223/5.56x45mm ammunition. CCOs
 4 also found, in proximity to the red backpack, a black leather bag containing a variety of
 5 ammunition.

6 6. CCOs advised both GREENWOOD and Joseph S. of their *Miranda* rights.
 7 The men acknowledged they understood their rights. When CCOs asked Joseph S. if he
 8 was willing to speak to them regarding any items discovered in the residence, he said no.
 9 CCOs did not ask him any further questions. When CCOs asked GREENWOOD if he
 10 was willing to speak to them, GREENWOOD was reluctant at first but said, "nothing in
 11 the house is his." By this statement it was apparent to the CCOs that GREENWOOD was
 12 referring to Joseph S. When CCOs asked GREENWOOD if the firearm and suspected
 13 fentanyl belonged to him, GREENWOOD stated he wished to make no further statements
 14 but again said, "nothing in the house is his." CCOs believed GREENWOOD was again
 15 referring to Joseph S. CCOs did not ask GREENWOOD any further questions. CCOs
 16 also spoke to A.O., who immediately stated she did not know about anything in the
 17 residence. CCOs did not ask A.O. any further questions. CCOs transported
 18 GREENWOOD and Joseph S. to jail on their respective warrants.

19 7. On June 9, 2022, CCO Natalie Zedoff was reviewing phone calls
 20 GREENWOOD made from the Nisqually Jail. CCO Zedoff advised CCO Steve
 21 DePoister to review a call GREENWOOD made to telephone number 253-442-0200 on
 22 June 8, 2022, at 9:23 p.m. CCO DePoister reviewed the call and found that the phone
 23 number GREENWOOD was calling appeared to be his own, as the Caller ID was listed
 24 as "Kory Greenwood." During the call, GREENWOOD was speaking to a female with a
 25 male in the background. At the 10:45-minute mark of the recorded call, GREENWOOD
 26 and the female began to talk about the arrest. CCO DePoister provided a partial transcript
 27 of the conversation, beginning at the 10:55-minute mark:

1 GREENWOOD: I should have flushed everything, I don't know why I
2 didn't flush everything.

3 Female: Flush everything?

4 GREENWOOD: Yeah

5 Female: What do you mean?

6 GREENWOOD: Down the toilet.

7 Female: Why didn't you?

8 GREENWOOD: I don't know

9 Female: Shit, what did they get?

10 GREENWOOD: Everything

11 Female: Like what though?

12 GREENWOOD: Like 2,000 blues and a fucking gun.

13 8. The Washington State Patrol (WSP) laboratory analyzed the "M30" pills
14 found in the red backpack. There were approximately 1,647 pills, and the laboratory
15 identified the presence of Fentanyl.

16 9. On April 29, 2023, officers with the Puyallup Police Department arrested
17 GREENWOOD on an outstanding DOC warrant. GREENWOOD was at the driver's side
18 rear of a vehicle, pumping gas at a Fred Meyer fuel station. Four other people were in the
19 vehicle in the front passenger seat and rear seats. An officer noticed a Glock handgun that
20 was partially covered by a sweatshirt on the driver's seat. This firearm appeared real, as
21 the officer could see the rifling in the barrel from outside of the vehicle. Officers were
22 sorting through the situation as an employee from Herb's Towing arrived to impound the
23 vehicle onto his flat-bed truck. The Herb's Towing driver soon called the officers'
24 attention and advised them that a second handgun fell from the driver's side rear
25 tire/wheel well as the tow driver went to winch the vehicle onto his flat bed.

26 10. On May 2, 2023, I assisted with a search warrant execution on the vehicle
27 GREENWOOD had been driving on April 29. The search revealed several items, to

1 include a locked safe box under the passenger seat that contained multiple bags of
2 suspected fentanyl pills, fentanyl powder, heroin, methamphetamine, and Xanax bars. We
3 also recovered the Glock handgun previously observed in the driver's seat and discovered
4 it had a loaded magazine with an empty chamber.

5 11. On May 4, 2023, Puyallup Police Department Officer Matthew Olmstead
6 and I interviewed GREENWOOD. He was Mirandized prior to the interview, and he
7 admitted that the narcotics (found in the vehicle during execution of the May 2, 2023,
8 search warrant) were his. However, he said he did not know where they were located, and
9 did not seem to how much there was, but he knew the narcotics were in the car. He also
10 told us who he got the two firearms from that were found during his arrest on April 29,
11 2023 (i.e., the one on the driver's seat and the one in the tire/wheel well).

12 12. I have reviewed GREENWOOD's criminal history which includes the
13 following felony conviction: *Unlawful Possession of a Controlled Substance with Intent*
14 *to Deliver (Heroin)*, in Pierce County Superior Court, under case number 16-1-03128-7,
15 on or about July 12, 2017, with a total sentence imposed of 54 months (i.e., 30 months on
16 the substantive drug offense with a 24-month enhancement for committing the offense in
17 a prohibited zone).

CONCLUSION

19 13. Based on the above facts, I respectfully submit that there is probable cause
20 to believe that KORY GENE GREENWOOD did knowingly and intentionally possess a
21 firearm and ammunition in violation of Title 18, United States Code, Section 922(g)(1),
22 and knowingly and intentionally possessed Fentanyl with the intent to distribute it in
23 violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

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1 14. I am submitting this Complaint by reliable electronic means pursuant to
2 Federal Rules of Criminal Procedure 4.1 and 41(d)(3).



Digitally signed by BRIAN
ARNOLD
Date: 2023.05.08 09:54:58 -07'00

**BRIAN ARNOLD, AFFIANT
Special Agent, ATF**

The above-named agent provided a sworn statement attesting to the truth of the contents of the forgoing affidavit on the 8th day of May 2023. The Court hereby finds that there is probable cause to believe the defendant committed the offenses set forth in the Complaint.

✓ W Chair tel

DAVID W. CHRISTEL
United States Magistrate Judge